

FILED

MAY 04 2012


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

JEFF NYE,

Plaintiff,

vs.

THE HARTFORD ACCIDENT AND
INDEMNITY COMPANY,

Defendant.

CIV. 12-5028**NOTICE OF REMOVAL**

Defendant, through Jason M. Smiley of Gunderson, Palmer, Nelson & Ashmore, LLP, its attorneys, pursuant to 28 U.S.C. § 1441, respectfully files this Notice of Removal. Removal is appropriate pursuant to 28 U.S.C. § 1332(a) granting original jurisdiction to the district court where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different states. Attached to this Notice of Removal is a copy of all process and pleadings served upon Defendant in this action.

Plaintiff's Complaint at paragraphs 2 and 3 allege that Plaintiff and Defendant are citizens of separate states. The amount in controversy is not stated in the Complaint; however, pursuant to 28 U.S.C. § 1446(c)(2)(A)(ii), the amount in controversy exceeds \$75,000, exclusive of interest and costs.

This Notice of Removal is filed less than 30 days following receipt by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claims for relief upon which Plaintiff's action is based. Therefore, this Court has jurisdiction to consider this notice pursuant to 28 U.S.C. § 1446(b).

Dated: May 4, 2012.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By 

Jason M. Smiley
Attorneys for Defendant
P.O. Box 8045
Rapid City, SD 57709-8045
(605) 342-1078

CERTIFICATE OF SERVICE

I certify that on May 4, 2012, I caused to be sent by U.S. mail, first-class postage prepaid,
a true and correct copy of Notice of Removal to:

Steven C. Beardsley and
Brad J. Lee
Beardsley, Jensen & Von Wald, Prof. LLC
P.O. Box 9579
Rapid City, SD 57709-9579

Pennington County Clerk of Courts
Civil Division
P.O. Box 230
Rapid City, SD 57709-0230

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By 

Jason M. Smiley
P.O. Box 8045
Rapid City, SD 57709-8045